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Attorneys for Plaintiff

Nathan Hale

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**NATHAN HALE,
INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED,**

Plaintiff,

v.

**JOHN C. HEATH, Attorney at
Law, PLLC, d/b/a LEXINGTON
LAW FIRM,**

Defendant.

Case No.: 3:15-CV-01676-LAB-JMA

**JOINT MOTION FOR DISMISSAL
OF ACTION PURSUANT TO
F.R.C.P 41(A)**

Judge: Hon. Larry Alan Burns

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Plaintiff NATHAN HALE (“Plaintiff”) and Defendant JOHN C. HEATH, Attorney at Law, PLLC, d/b/a/ LEXINGTON LAW FIRM (“Defendant”), by and through their undersigned counsel, respectfully submit this Joint Motion for Dismissal pursuant to Rule 41(a)(1) of the Federal Rule of Civil Procedure.

The notice and approval requirements of Federal Rule of Civil Procedure 23(e) are inapplicable to the parties’ dismissal of this putative class action because this action has not been certified as a class.¹

Accordingly, Plaintiff and Defendant hereby jointly move to dismiss this entire action WITH PREJUDICE as to Plaintiff’s claims and WITHOUT PREJUDICE as to the claims of the putative class with each party to bear their own costs and attorneys’ fees.

Dated: August 15, 2016

KAZEROUNI LAW GROUP, APC

By: /s/ Mona Amini
 ABBAS KAZEROUNIAN, ESQ.
 MONA AMINI, ESQ.
 ATTORNEYS FOR PLAINTIFF

Dated: August 15, 2016

LATHAM & WATKINS LLP

By: /s/ Kathleen P. Lally
 KATHLEEN P. LALLY, ESQ.
 ATTORNEY FOR DEFENDANT

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¹ Federal Rule of Civil Procedure 23(e) states “[t]he claims, issues or defenses of a **certified** class may be settled, voluntarily dismissed, or compromised only with the court’s approval.”

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Defendant's counsel and that I have obtained Defendant's counsel's authorization to affix her electronic signature to this document.

Dated: August 15, 2016

KAZEROUNI LAW GROUP, APC

By: /s/ Mona Amini
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